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ERSKINE & TULLEY
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   A PROFESSIONAL CORPORATION
   MICHAEL J. CARROLL (St. Bar #50246)
   220 Montgomery Street, Suite 303
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   San Francisco, CA 94104
   Telephone: (415) 392-5431
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   Attorneys for Plaintiff
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                        UNITED STATES DISTRICT COURT
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                      NORTHERN DISTRICT OF CALIFORNIA
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   BOARD OF TRUSTEE OF THE SHEET METAL ) NO. C 08 0306 BZ
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   WORKERS, et al.
                                              DECLARATION OF ATTORNEY
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                        Plaintiff,
                                              MICHAEL J. CARROLL IN
                                              SUPPORT OF PLAINTIFF'S
13
                                              EX PARTE APPLICATION FOR
                                              ORDER TO CONTINUE CASE
       VS.
14
                                              MANAGEMENT CONFERENCE
   C R SCHELLENGER H V A C INC., a
15
   California corporation doing
   business as CRS H V A C INC.,
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                        Defendant.
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             I, MICHAEL J. CARROLL, certify:
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1. I am an attorney with the law firm of Erskine & Tulley, A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF NORTHERN CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN CALIFORNIA, SHEET METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS PLAN; ANTHONY ASHER, TRUSTEE, in this action. I am duly admitted to practice law in the United States District Court, Northern District of California. If called as a witness, I could and would competently testify as follows:

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2. Service was accomplished upon the only party in this case on February 6, 2008. No responsive pleading was filed.

- 3. On March 27, 2008 the Court entered the default of defendant.
- 4. Declarant is out of the country on the Case Management Conference hearing date, not returning until May 8, 2008. In any case we will be filing a motion for default judgment.
- 5. It is requested that the Court continue the Case Management Conference some ninety days hence, to July 28, 2008, to provide time to either settle file a motion for default judgment.
- 6. Good cause exists to grant plaintiff's request for a continuance of the Case Management Conference currently set for April 28, 2008 to July 28, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on April 9, 2008 at San Francisco, California.

/s/ Michael J. Carroll
Michael J. Carroll

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On April 9, 2008 I served the DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

12 C R Schellenger H V A C Inc. 11 Terrace Drive

13 Calistoga, CA 94515

14 I, SHARON EASTMAN, certify (or declare), under penalty of perjury that
15 the foregoing is true and correct.

Executed on April 9, 2008 at San Francisco, California.

<u>/s/Sharon Eastman</u>
Sharon Eastman